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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/917,373	07/27/2001	Cathy S. Beyda	2001P13459US	9955

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SIEMENS CORPORATION
Intellectual Property Department
186 Wood Avenue South
Iselin, NJ 08830

EXAMINER

LE, KAREN L

ART UNIT	PAPER NUMBER
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2642

DATE MAILED: 02/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/917,373

Applicant(s)

BEYDA ET AL.

Examiner

Karen L Le

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 July 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-3 and 10-12 are rejected under 35 U.S.C. 102(b) as being anticipated by Weyer (U. S. 4,902,120).

Regarding claim 1, Weyer teaches a concealed telephone system, comprising:
a telephone (Fig. 4, item 58) that can be hidden on the user and can make and receive telephone calls; an earpiece (Fig. 4, item 58) that provides audio signals from the telephone to an ear of a user; and a microphone (Fig. 4, item 58 and Col. 2, lines 61-65) that receives voice signals from the user and provides them to the telephone;
wherein each of the earpiece and microphone are camouflaged (Fig. 4, item 58).

Regarding claim 2, Weyer further teaches each of the telephone, earpiece, and microphone include short-range wireless transceivers for transmitting signals
Therebetween (Col. 2, lines 50-55).

Regarding claim 3, Weyer further teaches the earpiece is concealed in a pair of glasses or sunglasses (Col. 1, lines 40-42).

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Regarding claim 10, Weyer further teaches the concealed telephone of Claim 1, wherein the microphone and earpiece are connected to the telephone via a hidden wire (Col. 1, lines 45-50).

Regarding claim 11, Weyer further teaches the telephone is a cellular telephone (Col. 1, lines 50-55).

Regarding claim 12, Weyer further teaches the telephone is a wireless telephone (Col. 1, lines 50-55).

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 4-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Weyer (U. S. 4,902,120).

Regarding claims 4- 8, Weyer does not teach the earpiece is concealed in an article of jewelry wherein the article of jewelry is an earring. Weyer further does not teach microphone is concealed within a tie clip, within a pen, within an article of jewelry. However Weyer teaches earpiece and microphone are concealed in a pair of glasses or sunglassed (Col. 2, lines 50-65). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to mount earpiece and microphone elsewhere on his/her body because where the earpiece and microphone are attached is just an option of user to mount them elsewhere on his/her body.

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5. Claim 9 ^{is} ~~are~~ rejected under 35 U.S.C. 103(a) as being unpatentable over Weyer (U. S. 4,902,120) in view of Taenzer et al (U. S. 6,438,245).

Regarding claim 9, Weyer does not teach the concealed telephone of claim 1, wherein the telephone provides the ambient noise picked up by the microphone to the earpiece when the telephone is not in use. However, Taenzer teaches telephone provides the ambient noise picked up by the microphone to the earpiece when the telephone is not in use (col. 3, lines 13-15). Taenzer teaches a two-way communication earpiece for use with a hearing aid, including a microphone for picking up sound ambient to the earpiece. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate Taenzer's feature to Weyer's feature to provide ambient noise picked up by the microphone when the phone is not in use.

Conclusion


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Karen L Le whose telephone number is 703-308-4998. The examiner can normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad F Matar can be reached on 703-305-4731. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Karen Le
KLL
February 17, 2005



AHMAD MATAR
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600